



Cumberland County Review Report

Cumberland County Planning Department
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<i>Name of Amendment:</i>				
Rezoning from Residential to Agricultural				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Lower Mifflin Township	4/28/2022	5/19/2022	SH, KS	Planning Commission
<i>Type of Amendment:</i>			<i>Recommendation:</i>	
Landowner Curative Zoning Map Amendment			Approval With Comments	
<i>Explanation of Amendment:</i>				
Lower Mifflin Township has submitted a landowner curative zoning map amendment for parcel number 15-05-0413-112 located at 272 Shed Road, Newville, PA. The amendment proposes to change the zoning to agricultural. The property is currently located in the residential zoning district.				
<i>Consistent with Municipal Comprehensive Plan:</i>		<i>Consistent with County Comprehensive Plan:</i>		
Project is Consistent		Project is Consistent		
<i>Comments and Recommendations:</i>				
<ol style="list-style-type: none"> 1. The proposed amendment is consistent with the Cumberland County Comprehensive Plan Future Land Use (FLU) Map which designates the parcel as agricultural rural. The agricultural rural character area is characterized by normal agricultural operations and low density growth where infrastructure is not available (grow page 32). In addition, the plan recommends implementing land use ordinances that protect the right to farm and promote the agricultural industry (conserve page 12). 2. The Lower Mifflin Township Comprehensive Plan Future Land Use Map designates the parcel as agriculture/rural residential. This designation is for the preservation of agricultural land while allowing low density residential development and businesses that support the agricultural industry. The proposed amendment is consistent with the comprehensive plan. 3. The property is located in an area that is agricultural in character. The western property line abuts land that is in the Agricultural Security Area. A majority of the soils on the property are designated as class II (prime) and class IV soils. The parcel is enrolled in the Cumberland County Clean and Green Program. 4. The township should consider rezoning the two parcels located north of the subject property (Cumberland County PIN 15-05-0413-113 and 15-05-0413-115) to agriculture as those property owners may have similar concerns as this applicant. 5. Section 609.1.C of the Pennsylvania Municipalities Planning Code requires municipalities to consider the following when reviewing a landowner curative amendment: <ol style="list-style-type: none"> 1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities. <p>CCPD comment: The rezoning will change the parcel from the residential district to agriculture district. Impacts to roads, schools and other public service facilities will</p>				

likely be reduced.

- 2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

CCPD comment: The proposed rezoning will not impact regional housing needs or affordable housing. The location of the rezoning is in an area that is not served by public sewer or public water, therefore, high density residential development is not feasible. Lower Mifflin Township's Zoning Map includes other large areas of undeveloped land designated as residential.

- 3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features.

CCPD comment: The proposed use of the land is not indicated. Intensive uses permitted in the agricultural district that are not permitted in the residential district include kennels, saw mills, shooting ranges, quarries, intensive agriculture, retail sales and vehicle and equipment repair garages. The parcel does include areas of steep slopes, prime soils and potential wetland areas. However, the overall parcel includes areas that are suitable for uses included in the agricultural district.

- 4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

CCPD comment: The proposed use of the land is not indicated, therefore the impacts to the land are not known. The parcel contains suitable areas for future development in conformance with the agricultural zoning district regulations.

- 5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

CCPD comment: An Agricultural Operation is a use permitted by right in the agricultural district, therefore, the proposed rezoning to agriculture will be beneficial to the preservation and continued use of the property as agricultural land. The rezoning is consistent with the surrounding agriculture and wooded land uses.

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."